

Memorandum of Agreement

Between the

LaFargeville Teachers' Association

And the

LaFargeville Central School District

Regarding Annual Professional

Performance Review

The provisions of this Memorandum of Agreement shall be in effect following ratification of the Agreement, in its entirety, by the Board of Education of the LaFargeville Central School District and the membership of the LaFargeville Teachers' Association. In the event this agreement is not ratified by both parties, the existing APPR Memorandum of Agreement remains in place until a successor agreement is approved by the parties.

In compliance with NYS Education Law 3012-d, the parties agree to collectively bargain the APPR Memorandum of Agreement in accordance with a revised teacher evaluation procedure, the primary components of which are outlined below. Both parties view this revised document as subject to ongoing review and possible adjustment upon mutual agreement to any further changes. This document shall be subject to annual review by the parties and initiated by no later than June 15th of each year. Such review may include negotiations upon request of either party.

Introduction

In order to inspire and prepare each student to meet future challenges we must maintain a highly qualified and competent faculty. The Annual Professional Performance Review's (APPR) purpose is to ensure high levels of student performance and to allow teachers the opportunity to grow in their professional capacity. The APPR plan for teachers is based on the New York State Teaching Standards.

Definition of Covered Teachers

The APPR plan will apply to all classroom teachers as required under Section 3012-d and as defined in the Commissioner's Regulations. All other unit members will be evaluated according to the collective bargaining agreement.

Definition of Evaluators

The *Lead Evaluator* is the administrator responsible for conducting and completing an observation of a teacher weighted at 80% and the *Independent Evaluator* is the administrator responsible for conducting and completing a separate observation of the same teacher weighted at 20% as defined in Commissioner's Regulations. All evaluators will be administrators employed by the LaFargeville Central School District.

The District shall ensure that all evaluators are properly trained and certified, as prescribed by law, before conducting evaluations. The District shall comply with recertification requirements as prescribed by the Commissioner. The District shall ensure that lead evaluators maintain inter-rater reliability over time by conducting annual calibration sessions among evaluators.

Teacher Effectiveness

Annual Professional Performance Reviews shall differentiate teacher effectiveness using the state provided HEDI Matrix. Based on the state provided HEDI Matrix, a classroom teacher shall be rated as Highly Effective, Effective, Developing, or Ineffective.

Teacher Observations -Teacher observations will be conducted to include both a supervisor and independent observer pursuant to the Rules of the Commissioner of Education. Observations shall count for one-half of a covered teacher's overall evaluation.

Formal Observation Defined -an evaluation, utilizing *Danielson's Framework for Teaching {2011}* rubric (Appendix A), of an instructional block, which will include a pre-observation conference and a post-observation conference for an announced observation. For an unannounced observation, only a post-observation conference will be included.

There are four domains within *Danielson's Framework for Teaching {2011}*, which assess the seven New York State Teaching Standards.

Planning and Preparation (Domain 1), **Classroom Environment** (Domain 2), and **Instruction** (Domain 3) will be assessed through classroom observations.

Professional Responsibilities (Domain 4) will be assessed through natural conversations as part of the observation procedure.

The Framework for Teaching (*2011 Revised Edition*) contains four (4) levels of performance ratings: "Unsatisfactory," "Basic," "Proficient," and "Distinguished". The categories are converted to New York State's rating categories as follows:

Danielson Rating	New York State Rating	Numerical Values	Definition
Unsatisfactory	Ineffective	1	Performance does not meet the NYS Teaching Standards
Basic	Developing	2	Performance needs improvement to meet the NYS Teaching Standards
Proficient	Effective	3	Performance meets the NYS Teaching Standards
Distinguished	Highly Effective	4	Performance exceeds the NYS Teaching Standards

Negotiated Overall Observation Scoring Ranges and Ratings—Pursuant to the Rules of the Commissioner of Education, the Parties have negotiated the following scoring ranges and rating for the overall observation category.

Overall Observation Category Score & Rating		
	Minimum Value	Maximum Value
H	3.5	4.0
E	2.5	3.49
D	1.5	2.49
I	0	1.49

***The above chart will be used when calculating a teacher's observation effectiveness rating for the overall effectiveness rating score.**

Observation Weights

A teacher's classroom observation will be calculated by taking a weighted average of the announced and unannounced observation scores. Each observation's score will be calculated by taking an average of the individual components that were observed by the evaluator during the observation time period. The weights will be set at 80% for the supervisor's observation(s) and 20% for the independent observer's observation.

Classroom Observations

Tenured Teachers:

1. Tenured teachers will have two observations, at least one of which will be unannounced.
2. Tenured teachers who would like to have two (2) unannounced observations will notify their lead evaluator (teacher's supervisor) in writing (email is acceptable) prior to the first day of school with students.
3. The announced observation (or first unannounced) will be conducted by the lead evaluator. The second observation (unannounced) will be conducted by an independent evaluator who shall be in the employ of the LaFargeville Central School District.
4. If there is a less than an effective observation of a tenured teacher, the teacher or evaluator may request one (1) additional observation (redo) per school year. This will be accomplished using the same format of the original observation (announced or unannounced). Any elements rated higher in the additional observation will replace the original.

Non-Tenured Teachers:

1. Non-tenured teachers will have a minimum of three observations, two of which will be announced (one by the lead evaluator and one by the superintendent) and will be averaged to make up the 80% observation.
2. Additional observations will be at the lead evaluator's discretion, but will also be averaged into the 80% observation.
3. The unannounced observation (20%) will be conducted by an independent evaluator who shall be in the employ of the LaFargeville Central School District.

Observation Procedures**Notification and Scheduling Procedures:**

1. Teachers will be notified at least 2 weeks prior of the intent to schedule an observation, as determined by the evaluator.
2. The observation form (Appendix B) is available electronically (i.e. the teacher's individual Google Drive File) and in the District handbook.
3. Observations, both announced and unannounced will be completed by the relevant evaluator no later than May 15th of the school year as is possible.
4. Observations will be scheduled by the evaluator in conjunction with the teacher at reasonably spaced intervals. However, observations, either announced or unannounced, may not take place on any day directly before or after a holiday weekend/school vacation, or on any day with a modified schedule (such as delay days or days during pep rallies or special events) unless mutually agreed upon by the evaluator and the teacher.
5. The independent evaluator will stay for the duration of the lesson or until sufficient evidence has been seen with a minimum of a twenty (20) minute observation.
6. The lead evaluator will stay for the duration of the lesson or until sufficient evidence has been seen with a minimum of a thirty (30) minute observation.

Pre-Conference:

1. Pre-observation conferences will be scheduled prior to each announced observation.
2. The pre-observation conference will allow the evaluator and teacher to discuss the ensuing lesson.
3. The teacher will submit the Pre-Observation Conference form (Appendix C) no later than two (2) school days prior to the pre-observation conference.
4. For tenured teachers who have chosen the two (2) unannounced option described above, the post conference with the lead evaluator will include the teacher providing documentation for domain 1: Planning and Preparation (Danielson).

Post-Conference:

1. A post-observation conference will be scheduled within five (5) school days and take place within ten (10) school days of the observation.
2. The purpose of the post-observation is to discuss the details of the observed lesson which include the domains of the rubric at a mutually agreed upon time.
3. The teacher will be given access to the completed observation form within ten (10) school days of the post-observation conference. The teacher will have the opportunity to include a written response within thirteen (13) school days of the post-observation conference.

Documentation of the Observation:

1. The evaluator and the teacher will sign the observation form as evidence of having reviewed it and having had the observation and applicable conferences. The teacher's signature on the observation form does not in any way signify agreement with the evaluation, and the administrator's signature does not signify agreement with the teacher's rebuttal, if any.
2. The observation form, signed and including any comments will then be placed into the teacher's personnel folder.
3. The teacher will be given an opportunity to make a copy of the observation form for his/her own personal use when he/she is asked to sign the form.

Evidence Submission for Non-observable Components:

1. Evidence of effective teaching for elements that are not observable through normal classroom observations are considered "non-observable" elements (i.e., Domain 4), and may be assessed through the submission of evidence by the teacher to the evaluator through normal conversations and throughout the school year.
2. Covered teachers may submit evidence of effective teaching through the school year and during any natural or normal conversation with their evaluator. It is the covered teachers' responsibility to ensure that evidence for effective teaching is submitted for each non-observable element in the rubric. When a teacher does submit evidence to their evaluator for a non-observable element, they should identify which domain and which element to which they believe the evidence belongs.
3. The deadline for the submission of any evidence for non-observable components will be May 15th as is possible.

State Assessment Measures (Growth)

The Parties have agreed to reject the use of a Second Optional SLO. SLO's shall be created and conducted in accordance with the Regulations of the Commissioner of Education.

Overall Effectiveness Rating

Teachers will receive their effectiveness rating no later than the first official workday of the year. The teacher and administrator will sign and date to signify review of the teacher composite effectiveness score. The overall effectiveness rating will be determined based on the following matrix:

Observation Effectiveness Rating					
Student Performance Effectiveness Rating		Highly Effective	Effective	Developing	Ineffective
	Highly Effective	H	H	E	D
	Effective	H	E	E	D
	Developing	E	E	D	I
	Ineffective	D	D	I	I

Teacher Improvement Plan Procedures

The purpose of a Teacher Improvement Plan (TIP) (Appendix D) is to improve teacher effectiveness, which will ultimately increase student achievement.

1. The teacher will have three (3) school days after they receive a rating which requires a TIP to reflect and develop possible improvement strategies/activities addressing the areas requiring improvement.
2. After the teacher's period of self-reflection, a meeting will be held between the administrator and the teacher to discuss the TIP plan which the teacher will be required to implement. The Administrator may take into account any suggestions offered by the Teacher. The plan will include specific strategies/activities to improve performance in the targeted areas within a specific timeframe not to exceed one school year. Feedback will be provided as outlined in the plan. A meeting will be held with the administrator and the teacher at the conclusion of the pre-determined duration of the plan to determine if the plan will continue or be concluded. Teachers may arrange for union representation if desired.
3. Criteria for improvement will be developed based on the *Danielson's Framework for Teaching {2011}* rubric.

Appeals Procedures

For non-tenured teachers, appeals of annual professional performance reviews shall be limited to those that rate a teacher "ineffective." Tenured teachers may appeal a rating of "ineffective" or "developing".

A teacher may not begin the appeal process prior to receipt of their composite effectiveness score.

What may be challenged in an appeal: The scope of appeals under Education law 3012-d shall be limited to the following subjects:

1. The substance of the APPR;
2. The school district's adherence to the standards and methodologies required for such reviews, pursuant to Education Law-3012-d;
3. The adherence to the Commissioner's regulations, as applicable to such review;
4. Compliance with any applicable locally negotiated procedures applicable to annual professional performance reviews for improvement plans; and
5. The school district's issuance and/or implementation of the terms of the teacher improvement plan under Education Law 3012-d.

Prohibition against more than one appeal:

1. A teacher may not file multiple appeals regarding the same performance review or improvement plan.
2. All grounds for appeal must be raised with specificity within one appeal.
3. Any grounds not raised at the time the appeal is filed shall be deemed null and void.

Burden of proof:

1. In an appeal, the teacher has the burden of demonstrating a clear and legal right to the relief requested and the burden of establishing the facts upon which petitioner seeks relief.

Timeframe for filing an appeal:

1. All appeals must be submitted in writing no later than five (5) school days after the date when the teacher receives such a rating.
2. The failure to file an appeal within this timeframe shall be deemed a waiver of the right to appeal, and the appeal shall be deemed abandoned.

Appeal process:

1. Appeal to Lead Evaluator:

Teacher e-mails lead evaluator within five (5) school days of the receipt of the rating in question to schedule a meeting. The teacher will submit a detailed written description of the specific areas of disagreement over his/her performance review, and any additional documents or materials relevant to the appeal. The performance review being challenged must also be submitted with the appeal.



Within five (5) school days of the receipt of the appeal, the lead evaluator will contact the teacher to schedule a meeting to discuss the rating(s) in question as outlined above. The meeting will take place at a mutually agreed upon time within five (5) school days of contact.



Following the meeting, the teacher may submit additional documents to the lead evaluator within five (5) school days.



The lead evaluator notifies the teacher of the decision in writing within (5) school days.

2. Appeal to Review Team:

If the appeal is not resolved, within five (5) school days of the decision from the lead evaluator in Step One (1), the teacher may submit the documentation presented in Step One (1) to the superintendent or his/her designee. Within five (5) school days, the superintendent will then convene a review team consisting of the superintendent and independent evaluator and two LaFargeville Teachers' Association-designated APPR Committee members (excluding the evaluating administrator and the evaluated teacher). The role of the review team will be to evaluate facts and evidence submitted by the teacher and the evaluating administrator. The teacher and administrator will be given the opportunity to be interviewed by the review team, prior to the review team's discussion. All discussion will remain confidential. The review team will notify the teacher, administrator, superintendent, and Teacher's Union President (with written consent) of the review team's decision in writing within two school days of the Review Team Meeting.

3. Appeal to Superintendent:

If the appeal is not resolved, within five (5) school days of the response from the review team in Step Two (2), the teacher may re-submit the documentation presented in Step Two (2) to the superintendent or his/her designee. The Superintendent or his/her designee will then convene a hearing within five (5) school days. The superintendent will render a final decision and will notify the teacher, administrator, and Teacher's Union President in writing within five (5) school days of the hearing. In the event that the Superintendent performed an appealed observation the Jefferson-Lewis BOCES Superintendent will act in the Superintendent's role during the appeals process.

4. Rebuttal:

The teacher may submit a rebuttal to the superintendent's decision within five (5) school days. The rebuttal will be placed with the performance evaluation in the teacher's personnel file.

The decision shall set forth the reasons and factual basis for each determination on each of the specific issues raised in the teacher's appeal.

Exclusivity of section - 3012-d appeal procedure:

The - 3012-d appeal procedure shall constitute the exclusive means for initiating, reviewing and resolving any and all challenges and appeals related to a teacher performance review and/or improvement plan. A teacher may not resort to any other contractual grievance procedures for the resolution of challenges and appeals related to a professional performance review and/or performance review, except as follows:

- The adherence to the steps of the APPR Appeal Process only may be grieved, under Article IV: Grievance Procedure, of the collective bargaining agreement.
- All other challenges to a teacher's APPR must be processed through the APPR appeals procedure.

Details of Timely and Constructive Feedback Provided to Teachers

1. The District will support each teacher's development and ensure that all individuals have access to professional development. Everyone working for the District should focus on the goal of student achievement. The District will identify in a timely manner areas of a teacher's performance that need improvement, and will provide the teacher opportunities for improvement.
2. The parties acknowledge that the District provided extensive training on the selected rubric, Danielson 2011 to the Association members on staff at the time the training was offered.

3. Subsequent training in the Danielson 2011 Rubric, Teaching Standards, and other Regents Reform Agenda initiatives shall be organized jointly by the LCS Administrative Team and the APPR/Professional Development Committee. This requirement shall not be construed as requiring formal training as referenced in paragraph B, immediately above. It is anticipated that subsequent training will be "turnkey" training or other information sessions deemed appropriate by the District.

Accurate Teacher and Student Data

The District shall provide accurate data to the State Education Department (SED) in the format and timeline prescribed by the Commissioner. The District shall also provide an opportunity for every covered teacher to verify the subjects and/or student rosters assigned to him/her. Covered teachers will be afforded the opportunity to verify the final data attributed to them before it is sent to the SED.

This APPR document will become effective upon ratification by both parties.

Savings Clause

If any provisions of this MOA is held to be in violation of law and therefore unenforceable, then the parties agree to modify such provisions to reflect the parties' intentions in a manner that complies with the law, notwithstanding that all remaining provisions of this MOA shall remain in full effect.

Appendices


Appendix A - Danielson's Framework for Teaching (Revised 2011)

Appendix B – Observation Form

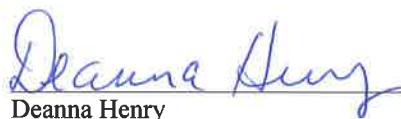
Appendix C – Pre-Observation Form

Appendix D –Teacher Improvement Plan

For the District:


Travis W. Hoover
Superintendent of Schools

For the Association:


Deanna Henry
LTA President

Date: 8-12-16

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